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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,217	02/28/2002	Eckhardt Harald	Q68604	5098
7590	11/15/2005		EXAMINER	
SUGHRUE MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			TSEGAYE, SABA	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/084,217	HARALD, ECKHARDT	
	Examiner	Art Unit	
	Saba Tsegaye	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 March 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-10 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/28/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Abstract

1. The abstract of the disclosure is objected to because on lines 6, 7, 11 and 14 the word "said" is used. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuzawa et al. (6,389,023 B1).

Regarding claims 1, 5 and 7, Matsuzawa discloses, in Figs. 1-4, a network-unit for use in a telecommunication network and comprising

- at least one input for receiving a signal comprising a first field (cut-through identifier fig. 1E) which is directly analyzable and a second field (an ordinary MAC address; fig. 1C,D) network which is analyzable after a processing (column 7, lines 1-13; column 7, line 40-column 8, line 44),
- a first analyzer (241) coupled to said at least one input for analyzing first information originating from said first field (303; column 7, lines 14-22),

- a processor (251) for performing said processing of second information originating from said second field (305; column 7, lines 23-33), and

- a second analyzer (251, 261) coupled to said processor for analyzing processed second information (column 7, lines 23-33),

- at least one output for sending a further signal to a further network-unit and comprising a third field, which is directly analyzable, and a fourth field which is analyzable after a processing in said further network-unit (column 8, lines 16-44; column 10, lines 10-18),

wherein said first analyzer is coupled to said processor for, in dependence of an analysis result of said first information, at least selecting at least one output and switching at least a port of said signal to said selected output or performing said processing, with said first information comprising non-address information, and with said second information comprising address information defining further network-units (column 6, line 32-column 7, line 33; column 7, line 34-column 9, line 65).

Regarding claims 2, 6 and 8, Matsuzawa discloses network unit wherein the network unit further comprises:

- a first generator coupled to said at least one output for generating said third information (column 5, lines 23-27), and

- a second generator coupled to said at least one output for generating said fourth information (column 9, lines 46-65).

Regarding claims 4, and 10, Matsuzawa discloses network unit wherein the processing corresponds with de-fragmentation, decompression, demultiplexing and/or table consultation (261).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzawa et al. in view of Mauger et al (EP 1001577 A1).

Matsuzawa discloses all the claim limitations as stated above. Further, Matsuzawa discloses that datagram processing unit 201 has a function for carrying out the processing to determine a router or host to which the packet is to be transferred next and a corresponding network connection interface, according to a destination information of datagram such as that of IP (claimed second field comprising an IP-address field for indicating an IP-address; column 6, lines 42-51). However, Matsuzawa does not expressly disclose that the first field comprises a quality field for indicating a quality.

Mauger teaches that at an IP network incorporating a plurality of nodes. At each node, a current packet label is used to determine the onward routing of the packet. The label is typically 4 bytes length comprising a 3-bit class of service field to maintain QoS differentiation (see fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matsuzawa's first field to comprise a quality field, as thought by Mauger. Doing so allows a number of priorities levels to be defined as well as enables the provision of quality of services guarantees to the admitted traffic.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jimmei et al. (US 2004/0071135 A1) discloses network node apparatus and connection set-up method for setting up cut-through connection.

Katsume et al. (US 6,188,689 B1) discloses network node and method of frame transfer.

Katsume et al. (US 6,185,213 B1) discloses a packet transfer control method and node device using plurality of dedicated cut-through paths.

Kujoory et al. (US 6,021,263) discloses a management of ATM virtual circuits with resources reservation protocol.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2662

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST

November 9, 2005



JOHN PEZZLO
PRIMARY EXAMINER